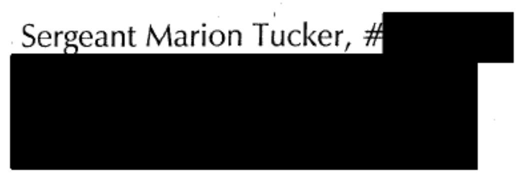


County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



LEROY D. BACA, SHERIFF

April 18, 2005

Sergeant Marion Tucker, #[redacted]


Dear Sergeant Tucker:

On December 22, 2003, you were served with a Letter of Intention, indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Number IAB 2096332. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. After reviewing the response submitted to support your position, the Department executives have amended the recommended discipline.

You are hereby notified that you are suspended without pay from your position of Sergeant, Item No. 2717A, with this Department for a period of four (4) days. However, pursuant to a settlement agreement between you and the Department, two (2) of the four (4) days will be held in abeyance for a period of twelve (12) months which will end on March 17, 2006. If you should become the Subject of a founded administrative investigation, with similar violations, and the event occurred within the prescribed twelve (12) month time period, the two (2) days held in abeyance will be imposed. Additionally, you will be subject to further discipline for each and every founded violation of the Department's Manual of Policy and Procedures. All Departmental records will reflect, nevertheless, that you received a four (4) day suspension.

The effective dates for the remaining two (2) day suspension are from April 20, 2005, through April 21, 2005.

An investigation under File Number IAB 2096332, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

A Tradition of Service

1. That in violation of Manual of Policy an Procedures Section 3-01/020.25, Chain of Responsibility; on or about February 18, 2002, in the late evening hours, you failed to exert command control over a developing law enforcement situation involving a suspect with a gun seated in a vehicle, when you failed to appoint a cover deputy(s) or give consideration to assigning individual tasks/responsibilities to the other deputies at the scene. Moreover you authorized the use of the stunbag shotgun in a manner inconsistent with the force options chart.

Prior to imposing this disciplinary action, I have thoroughly reviewed the incident and your record with this Department.

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Bobby D. Denham, A/Captain
Commander, Palmdale Station

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

BDD:KM:av

c: Advocacy Unit
Neal B. Tyler, Chief, Field Operations Region I
Internal Affairs Bureau
Personnel Administration
Office of Independent Review (OIR)
Palmdale Station/Unit Personnel File

3-01/020.25 Chain of Responsibility

Each supervisor shall assume ultimate responsibility for the supervision of all members subordinate to him in the chain of command. He shall not divert his responsibility.

I certify that on the date indicated below, I received the original of the attached **LETTER OF SUSPENSION** under File Number ***IAB 2096332*** as set forth in Section 18.01 of the Rules of the Los Angeles County Civil Service Commission.

4-18-05

DATE

MARION TUCKER, #[redacted]

I certify that on the date indicated below, I served the original of the attached letter of suspension on ***MARION TUCKER*** as set forth in Section 18.01 of the Rules of the Los Angeles County Civil Service Commission.

04/18/05

DATE

WITNESS SIGNATURE

BOBBY D. DENHAM

WITNESS PRINT

Please return this page along with Supervisor/Timekeeper Notification within two (2) business days to:

ANGELA VARGAS
INTERNAL AFFAIRS BUREAU
4900 S. EASTERN AVE. #100
CITY OF COMMERCE CA 90040
(323) 890-5313

SUSPENSION

RECEIVED
MAR 22 2005
EMPLOYEE RELATIONS

SETTLEMENT AGREEMENT

This Agreement is entered into between the Los Angeles County Sheriff's Department, hereinafter referred to as "Department," and Sergeant Marion Tucker, Employee Number [redacted] hereinafter referred to as "Grievant."

The Department and Grievant are parties to this dispute and desire to settle all issues involved in the Letter of Intent dated December 22, 2003, (IAB No. 2096332) upon the terms and conditions hereinafter set forth.

NOW, THEREFORE, the Department and Grievant for and in consideration of the mutual covenants contained herein, agree as follows:

1. The Department will, upon execution of this Agreement, reduce the intended eight (8) day suspension to a four (4) day suspension.

2. The Department will further impose two (2) days of the intended four (4) day suspension. The remaining two (2) day suspension will be held in abeyance.

3. The Grievant understands that if she becomes the subject of a founded investigation involving a similar violation of the Manual of Policy and Procedures, and that if the event resulting in the founded investigation occurred within the twelve (12) month period of the date of execution of this Agreement, the two (2) days held in abeyance shall be imposed. In addition, the Grievant understands that she will be subjected to additional discipline for each and every founded violation of the Department's Manual of Policy and Procedures.

4. Both parties agree and understand that the Grievant's records will reflect that the four (4) day suspension was imposed and may be used for the purposes of demonstrating "progressive discipline."

5. Both parties agree that the alleged violations of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards; and 3-01/010.45, Supervisors; and 3-01/010.40, Authority of Rank, shall be rescinded.

6. Both parties further agree and understand that the Grievant is found to be in violation of the Manual of Policy and Procedures Section 3-01/020.25, Chain of Responsibility.

7. The Department shall further issue the Grievant a Letter of Imposition which she accepts without appeal and includes the following:

4/5/05

Charge #1 outlined in the Letter of Intent shall be modified to read:

> "That in violation of Manual of Policy and Procedures Section 3-01/020.25, Chain of Responsibility; on or about February 18, 2002, in the late evening hours, you failed to exert command control over a developing law enforcement situation involving a suspect with a gun seated in a vehicle, when you failed to appoint a cover deputy(s) or give consideration to assigning individual tasks/responsibilities to the other deputies at the scene. Moreover, you authorized the use of the stunbag shotgun in a manner inconsistent with the force options chart."

8. The Grievant agrees to withdraw her grievance and waive any and all further administrative or judicial remedies with respect to the Letter of Imposition and the modified discipline, and also waives any administrative or judicial remedies with respect to any imposition pursuant to paragraphs three (3), above.

9. The parties further agree that this Settlement shall not be considered, cited, or used in future disputes as establishing past precedent or past employment practice.

10. In consideration of the terms and conditions set forth herein, Grievant agrees to fully release, acquit and forever discharge the County, and all present and former officers, employees and agents of the County, and their heirs, successors, assigns and legal representatives from any and all liability whatsoever for any and all claims arising out of or connected with the employment relationship between the County and Grievant concerning the subject matter of the grievance referred to herein.

11. The Grievant further agrees to relinquish and expressly waives all rights conferred upon her by the provisions of California Civil Code Section 1542, which reads as follows:

> "A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor."

12. The date of the last signature placed hereon shall hereinafter be known as the "date of execution" and the "effective date" of this Agreement.

13. The parties agree that the foregoing comprises the entire Agreement between the parties and that there have been no other promises made by any party. Any modification of this Agreement must be in writing.

I have read the foregoing Settlement Agreement, and I accept and agree to the provisions contained therein and hereby execute it voluntarily and with full understanding of its consequences.

For the Sheriff's Department:

Date: 2-15-05 Date: 3/18/05

Marion Tucker, Sergeant

Neal Tyler, Chief



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



LEROY D. BACA, SHERIFF

December 22, 2003

Sergeant Marion Tucker, #[redacted]

Dear Sergeant Tucker:

You are hereby notified that it is the intention of the Sheriff's Department to suspend you without pay from your position of Sergeant, Item No. 2717A, with this Department for a period of eight (8) days.

An investigation under File Number IAB 2096332, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards; and/or 3-01/010.45, Supervisors; and/or 3-01/020.25, Chain of Responsibility; and/or 3-01/010.40, Authority of Rank, on or about February 18, 2002, in the late evening hours, you failed to exert command control over a developing law enforcement situation involving a suspect with a gun seated in a vehicle, when you failed to adequately contain the incident which allowed two uninvolved citizens to approach the suspect and converse with the suspect, thus not only allowing the citizens to interfere with the safe apprehension of an armed suspect, but directly placing the citizens in harms way. Moreover, you neglected to utilize available Department resources as evidenced by, but not limited to, SEB and Hostage negotiator(s). You failed to advise and/or warn deputies at the scene that you had ordered a deputy to use less lethal force to remove one and/or both of the interfering citizens by shooting them with a stun bag shotgun round, which resulted in serious injury to one of the interfering citizens, and/or caused the reaction of deputies at the scene to fire their weapons

> at the suspect, and/or when you failed to appoint a "designated shooter" to be the only Department member to shoot at the suspect if, or when, the suspect posed a threat of serious bodily harm to Department members at the scene. Failing to appoint a designated shooter resulted in you and four deputies firing a total of 24, 9 mm rounds and three 12 gauge "Deerslayer" shotgun rounds at the suspect when he pointed his gun in the direction of deputies, resulting in the death of the suspect and placing the two citizens, who were still in close proximity to the suspect, in imminent danger of being shot.

Prior to determining this disciplinary action, the Executive Force Review Committee and I have thoroughly reviewed the incident and your record with this Department.

You have the right to grieve this disciplinary action within ten (10) days of receipt of this letter. Your grievance procedures may be found in your classification's negotiated Memorandum of Understanding.

Failure to respond to this Letter of Intent within ten (10) business days will be considered a waiver of your right to grieve and will result in the imposition of this discipline indicated herein.

You may receive a copy of the material on which the discipline is based by contacting Reba Barmes of the Internal Affairs Bureau at (323) 890-5314, and arranging an appointment during the ten (10) day period in which you may respond.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

John M. Witt, Captain
Commander, Palmdale Station

JW:EBS:lh

c: Advocacy Unit
Employee Relations Unit
Chief Neal Tyler, FORI
Internal Affairs Bureau
Office of Independent Review (OIR)
(File # IAB 2096332)

I certify that on the date indicated below, I received the original of the attached **LETTER OF INTENT** under File Number ***IAB 2096332.***

12-22-03

Date

Marian Tucker [redacted]

MARIAN TUCKER, #[redacted]

I certify that on the date indicated below, I served the original Letter of Intent to ***MARIAN TUCKER.***

12/22/03

Date

WITNESS SIGNATURE

DAVE [illegible]

WITNESS PRINT

Please return this page within two (2) business days to:

INTERNAL AFFAIRS BUREAU
4900 S. EASTERN AVE., #100
COMMERCE CA 90040
(323) 890-5300

761551N25A - SH-AD (11/90)



DATE: November 7, 2003

OFFICE CORRESPONDENCE

FILE:

FROM: MICHAEL G. SAVIDAN, COMMANDER
LEADERSHIP & TRAINING DIVISION

TO: JOHN M. WITT, CAPTAIN
PALMDALE STATION

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS HIT SHOOTING, FEBRUARY 18, 2002, INVESTIGATION #2096332 (aka 2057715)**

The purpose of this memo is to notify you of the review committee's findings and recommendations concerning the use of force incident which occurred on February 18, 2002.

The Committee met on October 9, 2003, and consisted of myself, Commander Dennis Conte (Commander of the Department) and A/Commander Arthur Ng (Internal Criminal Investigations Bureau). The Committee deemed:

- as **Founded** the allegation that Sergeant Marion Tucker #[redacted] violated the Department's Manual of Policy and Procedure section(s) 3-01/050.10, Performance to Standards; and/or 3-01/010.45, Supervisors; and/or 3-01/020.25, Chain of Responsibility; and/or 3-01/010.40, Authority of Rank.

The Committee recommended that Sergeant Tucker be suspended for a period of **eight (8) days** without pay from the position of Sergeant.

The Committee additionally determined that the use of force by deputies Robert Wheatcroft #[redacted] John Donaldson #[redacted] #[redacted] and Sergeant Tucker was within Department Policy.

The Committee additionally recommended that Sergeant Tucker receive additional incident management training and that this incident be referred to training review committee chaired by Commander Charles Heal for review.

MGS:KRK:kk

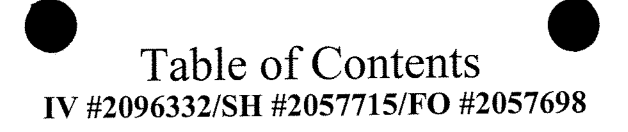


Table of Contents

IV #2096332/SH #2057715/FO #2057698

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date: 02/18/2002	Bureau/Station/Facility: FORI/Palmdale Station	Admin. Invest.? ☐	Hit? ☒

Incident Information

URN: 002-02823-2263-055	Date: 02/18/2002 Time: 2330 hours
City or Station: Littlerock	Nature of Incident: Termination of pursuit, suspect displayed firearm, pointing it at estranged wife and deputies. Deputies fired at suspect, killing him.
Location [redacted] East Avenue Q-14, Littlerock 93543	

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, Residence, Rural, School, (Street), Other: ______

Lighting (*circle only one*): (Darkness), Daylight, Other, Street Lights

Weather (*circle only one*): (Clear), Cloudy, Fog, Rain

Distance: 30-40 ft.

Incident Type (*circle one or more*): Accidental, (Armed Person), (Fleeing Suspect), Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, (Traffic Stop), Unarmed Person, Unintentional, (Vehicle Pursuit), Warrant Service, Other: ______

Initiated by (*circle only one*): Arrest Warrant, Call, (Observation), One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, (Routine Patrol)

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect	Aero Unit?	Canine Unit?
28 (1 stunbag rd.)	0	☐	☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	Feehan	Bradley		EM (PM) Day	(Regular) Overtime Off Duty
[redacted]	Del Rio	Daniel		(EM) PM Day	(Regular) Overtime Off Duty
[redacted]	[redacted]	[redacted]	[redacted]	EM PM Day	(Regular) Overtime Off Duty

Non-Employee Witnesses

Last Name [redacted]		First Name [redacted]	M.I. [redacted]			
Street Address [redacted]	City [redacted]	Zip Code [redacted]	Work Ph [redacted]	Home Ph [redacted]		
Last Name [redacted]		First Name [redacted]	M.I. [redacted]			
Street Address [redacted]	City [redacted]	Zip Code [redacted]	Work Ph [redacted]	Home Ph [redacted]		
Last Name [redacted]		First Name [redacted]	M.I. [redacted]			
Street Address [redacted]	City [redacted]	Zip Code [redacted]	Work Ph [redacted]	Home Ph [redacted]		

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*)
[redacted]	Tucker	Marion		(On Duty), (Present during shooting), (Witness to shooting), (Involved in shooting)
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Johnston	Mark	

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Raulston	Edward	

PSTD Use Only

SH # 2057715

SH-R-438A rev. 3/97

See Reverse

Officer Involved Shooting

URN: 002-02823-2263-055

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
02/18/2002	0130		

Employee #	Last Name	First Name	M.I
[redacted]	Gregg	Larry	R
[redacted]	Porlier	Clay	S
[redacted]	O'Brien	Thomas	M

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
E#1	S#1	FH	BR	9	Y	Y	DH	
E#2	S#1	FH	BR	9	Y	Y	DH	
E#3	S#1	FS	IT	12	Y	Y	DH	
E#4	S#1	FH	BR	9	Y	Y	DH	



Officer Involved Shooting
Involved Employee Information

URN: 002-02823-2263-055

Involved Employee

E 1

Employee # [redacted]	Last Name: Tucker	First Name: Marion	M.I.
Sex: F Race: W	Rank: Sergeant	Unit Assignment: Palmdale Station	Work Assignment (Unit #, Module, etc.): 260S
ShiftTime (*circle only one*): EM (circled) PM Day	ShiftType (*circle only one*): Regular (circled) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☒
Hrs of sleep prior to shooting: 4	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest (circled)	Other Factors:
Age: [redacted] Height: 5'09"	Weight: 180		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]		Laser Training Date: [redacted]
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E 2

Employee # [redacted]	Last Name: Wheatcroft	First Name: Robert	M.I.
Sex: M Race: W	Rank: Deputy	Unit Assignment: Palmdale Station	Work Assignment (Unit #, Module, etc.): 263J
ShiftTime (*circle only one*): EM PM (circled) Day	ShiftType (*circle only one*): Regular (circled) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☒
Hrs of sleep prior to shooting: 6	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest (circled)	Other Factors:
Age: [redacted] Height: 6'01"	Weight: 220		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]		Laser Training Date: [redacted]
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E 3

Employee # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Sex: [redacted]	Rank: [redacted]	Unit Assignment: [redacted]	Work Assignment (Unit #, Module, etc.): [redacted]
ShiftTime (*circle only one*): [redacted]	ShiftType (*circle only one*): [redacted]	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☒
Hrs of sleep prior to shooting: 7	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest (circled)	Other Factors:
Age: [redacted] Height: [redacted]	Weight: [redacted]		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]		Laser Training Date: [redacted]
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit [redacted]	Prior Shootings? ☒ Number of Prior Shootings: 1
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]




Officer Involved Shooting
Involved Employee Information

URN: 002-02823-2263-055

Involved Employee

E 4

Employee # [redacted] | Last Name: Donaldson | First Name: John | M.I.:

Sex: M | Race: W | Rank: Deputy | Unit Assignment: Palmdale Station | Work Assignment (Unit #, Module, etc.): 263

ShiftTime (*circle only one*): (EM) PM Day | ShiftType (*circle only one*): (Regular) Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case #: | Interviewed? ☒

Hrs of sleep prior to shooting: 6 | Duty Time (hrs): [redacted] | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest) | Other Factors:

Age: [redacted] | Height: 5'06" | Weight: 190

Range Qualification Date: [redacted] | PPC Qualification Date: [redacted] | Laser Training Date: [redacted]

Certified with Weapon Used? [redacted] | Patrol Certification? [redacted] | Certification Unit: [redacted] | Prior Shootings? ☒ | Number of Prior Shootings: 1

Field Training Officer Emp # [redacted] Last Name [redacted] | First Name [redacted] | M.I. [redacted]

Field Training Officer Emp # [redacted] Last Name [redacted] | First Name [redacted] | M.I. [redacted]

E__

Employee # | Last Name | First Name | M.I.

Sex: | Race: | Rank: | Unit Assignment: | Work Assignment (Unit #, Module, etc.):

ShiftTime (*circle only one*): EM PM Day | ShiftType (*circle only one*): Regular Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case # | Interviewed? ☐

Hrs of sleep prior to shooting: | Duty Time (hrs): | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest | Other Factors:

Age: | Height: | Weight:

Range Qualification Date: | PPC Qualification Date: | Laser Training Date:

Certified with Weapon Used? ☐ | Patrol Certification? ☐ | Certification Unit: | Prior Shootings? ☐ | Number of Prior Shootings:

Field Training Officer Emp # | Last Name | First Name | M.I.

Field Training Officer Emp # | Last Name | First Name | M.I.

E__

Employee # | Last Name | First Name | M.I.

Sex: | Race: | Rank: | Unit Assignment: | Work Assignment (Unit #, Module, etc.):

ShiftTime (*circle only one*): EM PM Day | ShiftType (*circle only one*): Regular Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case # | Interviewed? ☐

Hrs of sleep prior to shooting: | Duty Time (hrs): | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest | Other Factors:

Age: | Height: | Weight:

Range Qualification Date: | PPC Qualification Date: | Laser Training Date:

Certified with Weapon Used? ☐ | Patrol Certification? ☐ | Certification Unit: | Prior Shootings? ☐ | Number of Prior Shootings:

Field Training Officer Emp # | Last Name | First Name | M.I.

Field Training Officer Emp # | Last Name | First Name | M.I.

See Other Side

Officer Involved Shooting Suspect Information

URN: 002-02823-2263-055

Suspect Information

S 1				
Last Name: Isayo		First Name: Ramin		M.I.: A
AKA Last Name: "Camel" or "Player"		First Name:		M.I.:
Sex: M Race: W	Street Address: [redacted]	City: [redacted]		State & Zip Code:
Work Phone: [redacted]	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]	
Age: 27 D.O.B. 12/26/1974	Height: 5'09" Weight: 190	FBI #: [redacted]	CII #: [redacted]	
Booking #:	Primary Charge:	Secondary Charge:		
Coroner Case? ☒	Coroner Case # 2002-1424	Intoxication/Drug Usage? ☒	Substance Used: methamphetamine	
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]	
Vehicle Make: Toyota License [redacted]		Model: Sedan	Year: 1981	

S__				
Last Name:		First Name:		M.I.:
AKA Last Name:		First Name:		M.I.:
Sex: Race:	Street Address:	City:		State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:	
Age: D.O.B.	Height: Weight:	FBI #:	CII #:	
Booking #:	Primary Charge:	Secondary Charge:		
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:	
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐	
Vehicle Make:		Model:	Year:	

S__				
Last Name:		First Name:		M.I.:
AKA Last Name:		First Name:		M.I.:
Sex: Race:	Street Address:	City:		State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:	
Age: D.O.B.	Height: Weight:	FBI #:	CII #:	
Booking #:	Primary Charge:	Secondary Charge:		
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:	
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐	
Vehicle Make:		Model:	Year:	

S__				
Last Name:		First Name:		M.I.:
AKA Last Name:		First Name:		M.I.:
Sex: Race:	Street Address:	City:		State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:	
Age: D.O.B.	Height: Weight:	FBI #:	CII #:	
Booking #:	Primary Charge:	Secondary Charge:		
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:	
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐	
Vehicle Make:		Model:	Year:	

See Other Side

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

SUPPLEMENTAL EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
Molidor Employee #[redacted]	James		262/PM			
[redacted] # [redacted]	[redacted]		263/EM			

SUPPLEMENTAL EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Employee Witnesses

Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph

INVESTIGATIVE SUMMARY

TYPE INCIDENT:	**DEPUTY INVOLVED SHOOTING/USE 0F FORCE**
IAB FILE:	**SH 2057715/FO 2077698**
URN:	**002-02823-2663-055**

SYNOPSIS

On February 18, 2002, deputies attempted to stop Suspect Ramin Isayo for Vehicle Code violations. After approaching Suspect Isayo's vehicle, Deputy Wheatcroft saw evidence that the vehicle may be stolen. Suspect Isayo drove away from the scene and Deputy Wheatcroft initiated a pursuit. At the termination of the pursuit, Suspect Isayo stopped in front of his [redacted] home. Suspect Isayo pointed a gun at his head, as if he were about to shoot himself. Suspect Isayo's [redacted] and [redacted] ran out of the house and approached Suspect Isayo. Suspect Isayo pointed his gun at his [redacted] Deputy [redacted] the designated stun bag deputy, was ordered to fire a stun bag at the [redacted] by Sergeant Tucker. Deputy [redacted] did and struck [redacted] the stun bag penetrating her body. Suspect Isayo began turning his weapon toward the deputies. They fired numerous rounds at Suspect Isayo, killing him.

Internal Affairs Sergeants Larry Gregg and Clay Porlier responded along with Lieutenant Mike O'Brien to conduct a administrative review of the shooting and force used.

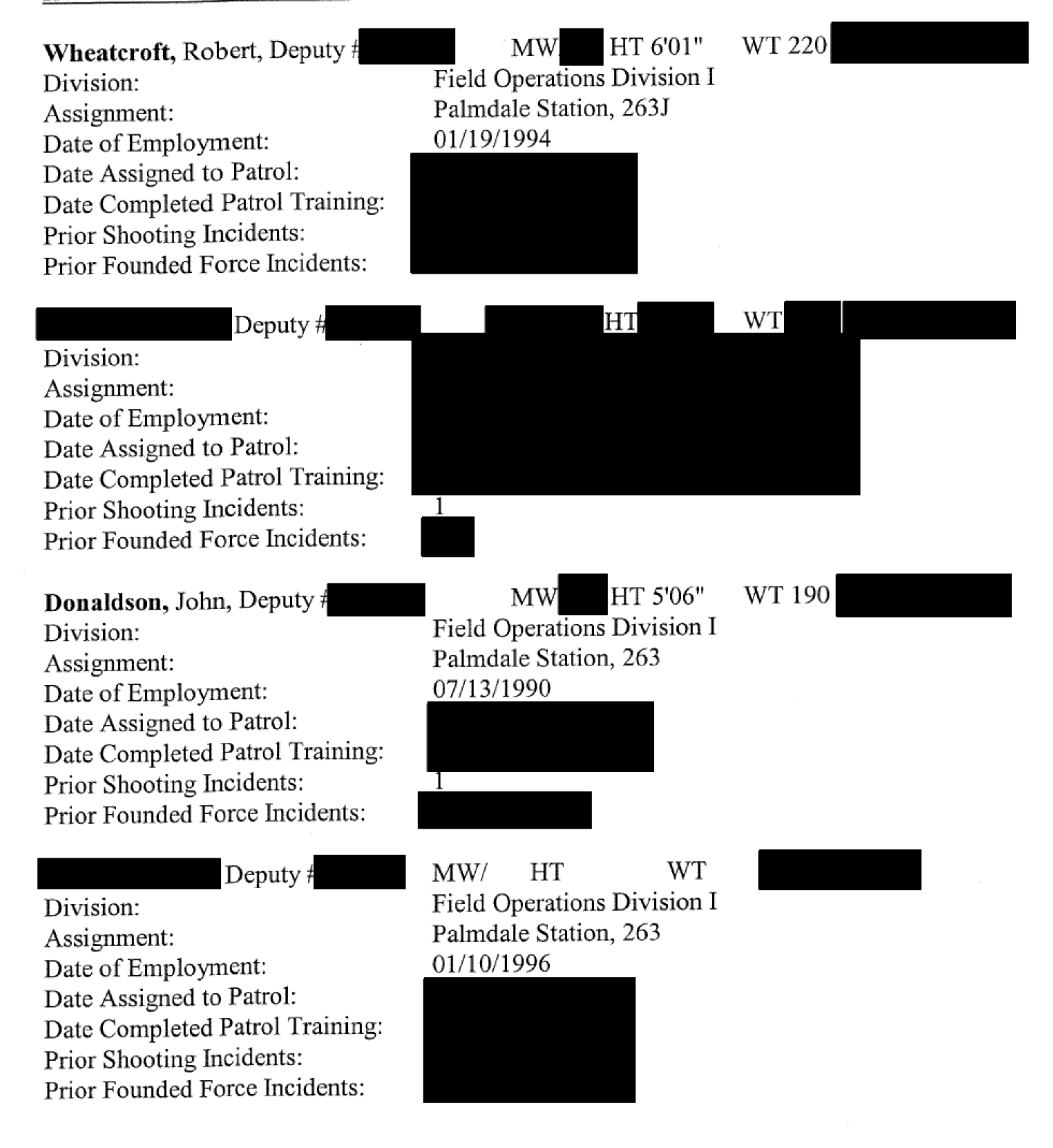
On August 28, 2003, the Executive Force Review Committee heard the facts of the case and requested an Internal Affairs Investigation regarding Sergeant Tucker's Performance to Standards.

SUBJECT

Tucker, Marion, Sergeant #[redacted] FW[redacted] HT 5'09" WT 180 [redacted]

Division:	Field Operations Division I
Assignment:	Palmdale Station, 260S
Date of Employment:	04/12/1989
Date Assigned to Patrol:	[redacted]
Date Completed Patrol Training:	
Prior Shooting Incidents:	
Prior Founded Force Incidents:	

INVOLVED PERSONNEL



Wheatcroft, Robert, Deputy #[redacted] MW[redacted] HT 6'01" WT 220 [redacted]

Division:	Field Operations Division I
Assignment:	Palmdale Station, 263J
Date of Employment:	01/19/1994
Date Assigned to Patrol:	[redacted]
Date Completed Patrol Training:	
Prior Shooting Incidents:	
Prior Founded Force Incidents:	

[redacted] Deputy #[redacted] [redacted] HT [redacted] WT [redacted]

Division:	[redacted]
Assignment:	
Date of Employment:	
Date Assigned to Patrol:	
Date Completed Patrol Training:	
Prior Shooting Incidents:	1
Prior Founded Force Incidents:	[redacted]

Donaldson, John, Deputy #[redacted] MW[redacted] HT 5'06" WT 190 [redacted]

Division:	Field Operations Division I
Assignment:	Palmdale Station, 263
Date of Employment:	07/13/1990
Date Assigned to Patrol:	[redacted]
Date Completed Patrol Training:	
Prior Shooting Incidents:	1
Prior Founded Force Incidents:	[redacted]

[redacted] Deputy #[redacted] MW/ HT WT [redacted]

Division:	Field Operations Division I
Assignment:	Palmdale Station, 263
Date of Employment:	01/10/1996
Date Assigned to Patrol:	[redacted]
Date Completed Patrol Training:	
Prior Shooting Incidents:	
Prior Founded Force Incidents:	

SUSPECT/INMATE

Isayo, Ramin MW/27 HT 5'09" WT 190 RIGHT HANDED

Criminal History:

Suspect Isayo has an [redacted]

Suspect Isayo was an admitted "San Fer" Gang member with the Moniker of "Camel" or "Player."

WITNESSES

Sworn:

Deputy Bradley Feehan, #[redacted]
Lancaster Station

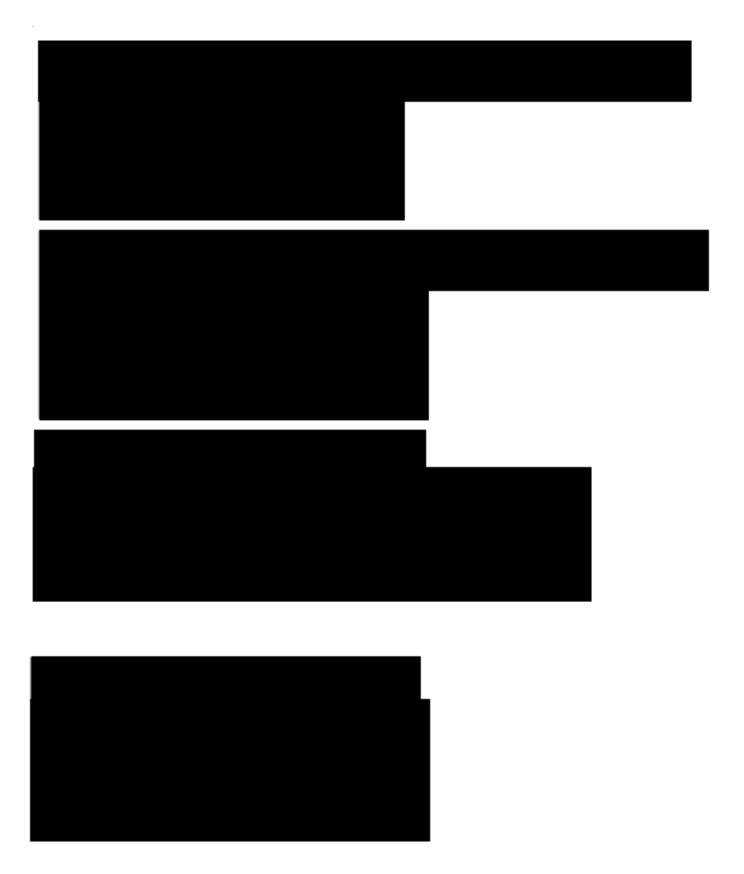
Deputy Daniel Del Rio, #[redacted]
Palmdale Station

Deputy [redacted] **#**[redacted]

Deputy James Molidor, #[redacted]
Palmdale Station

Civilians:

[redacted]



[redacted]

INJURIES

Suspect Ramin Isayo was pronounced dead at the scene. He sustained gunshot wounds to his face and back of his head.

The suspect's [redacted] suffered a wound to her right shoulder as the result of a stun bag round penetrating her body. She was airlifted to Holy Cross Hospital, treated for her wound and released.

PHYSICAL EVIDENCE

The following items of evidence were recovered at the scene as referenced in the Homicide report, **Exhibit A, pages 47-51**;

- 1981 Toyota Corolla License [redacted] (suspect vehicle) - Located in front of [redacted] East Avenue Q-14
- 3- expended shotgun shell casings, "00 B"
- 21- expended 9MM shell casings

- 1- empty 9MM magazine (Donaldson)
- 1- live stun bag round
- 1- expended stun bag shell casing
- 1- .380 semiautomatic pistol, "AMT Backup", Stainless steel, ser. #B[redacted] loaded with one live round in the chamber and four live rounds in the magazine, Safety on.
- 6- expended bullets
- 1- stun bag round removed from [redacted]

WEAPONS USED BY DEPUTY PERSONNEL

Deputy [redacted]

Weapon: Stun bag shotgun
Rounds fired: 1

Deputy Wheatcroft

Weapon: Beretta, 92F, 9MM
Serial #: BER[redacted]
Rounds fired: 3

Deputy [redacted]

Weapon: Ithaca, Model 37, "Deerslayer"
Serial #: [redacted]
Rounds fired: 3

Deputy Donaldson

Weapon: Beretta, 92F, 9MM
Serial #: BER[redacted]
Rounds fired: 16

Sergeant Tucker

Weapon: Beretta, 92F, 9MM
Serial #: BER[redacted]
Rounds Fired: 5

PROPERTY DAMAGE

The only property damaged was the suspect's vehicle, a 1981 Toyota Corolla, that was struck by numerous bullets and shotgun rounds.

CRIMINAL INVESTIGATOR

Homicide Investigators Marsh and J. Romero

LIGHTING AND WEATHER CONDITIONS

This incident occurred during the hours of darkness. There are no streetlights to illuminate the area. Deputy and witness statements indicate that the radio car spotlights illuminated the Suspect, his car and the surrounding area.

EMPLOYEE STATEMENTS

Deputy Robert Wheatcroft was interviewed on February 19, 2002, by Homicide Investigators Marsh and Romero. The interview was tape recorded. He was later interviewed by IAB Sergeants Gregg and Porlier. Prior to that interview, he had an opportunity to read and sign the Admonition for Force/Shooting. That interview was recorded.

Deputy Wheatcroft said he was working a one-man unit when he conducted a traffic stop of the suspect's vehicle for vehicle code violations. While talking to the suspect, Deputy Wheatcroft saw the steering column was cracked and ignition wires were exposed and there was no key. The suspect was nervous about answering questions regarding ownership of the car. The driver was also wearing gloves. During this conversation, the suspect said, "Ah, fuck it!" The suspect then sped away from the traffic stop.

Deputy Wheatcroft said he ran to his car and initiated a pursuit of the suspect based on his earlier observations and his belief that the car was stolen. Deputy Wheatcroft broadcast his pursuit via Sheriff's Radio.

Deputy Wheatcroft said approximately 60-90 seconds from the initiation of the pursuit, and prior to backup units arriving, the suspect stopped at Q-4, just west of 10th Street East. Deputy Wheatcroft

felt that the suspect was about to flee from his car and stopped the radio car on 10th Street East, just prior to the turn onto Q-4. The suspect put his car in reverse and began backing toward Deputy Wheatcroft's car. Deputy Wheatcroft said the suspect could not crash into his radio car because the curb was between his and the suspect's car. He said he did not broadcast the information about the attempt assault, but he should have.

Deputy Wheatcroft said when the pursuit reached 90th Street East and Palmdale Boulevard he saw the suspect holding a shiny object that he (Wheatcroft) believed was a handgun. By this point, assisting units had joined the pursuit. Deputy Wheatcroft did not know how many units arrived to assist.

The pursuit continued through the Littlerock area until the suspect stopped in front of [redacted] East Avenue Q-14. The suspect stopped and Deputy Wheatcroft stopped directly behind the suspect's car. The suspect turned toward Deputy Wheatcroft and pointed his gun at him. Deputy Wheatcroft quickly took cover behind the dashboard of his radio car. He quickly changed his tactics; looking over the dashboard and out the windshield, because he feared the suspect would exit his vehicle and approach Deputy Wheatcroft. Deputy Wheatcroft yelled at the suspect to drop his gun. He did not know if any other deputies were yelling because his own voice was all he heard. Deputy Wheatcroft saw that the suspect was trying to contact the residents of the home he had stopped in front of. The suspect would not comply and remained in his vehicle for several minutes, then sped away from the location.

The deputies pursued the suspect. At one point, the suspect made a u-turn and drove at the deputies. Deputy Wheatcroft maneuvered his vehicle onto the side of the road to avoid a collision with the suspect. Deputy Wheatcroft said that the suspect's actions seemed to be becoming more desperate. He believes the suspect drove at the deputies to hurt or kill one of them.

Deputy Wheatcroft said through a majority of the pursuit he was the first unit. After the suspect left [redacted] he became the second or third unit in the pursuit. He said he recalls the watch commander advising that no more than three units and the Field Sergeant should be involved in the pursuit. He said he did not know if more units were involved because he did not look in his rear view mirror to count. He does not recall the field sergeant. Tucker, giving any direction during the pursuit.

IAB NOTE: A review of the radio broadcasts made by Sergeant Tucker showed that on several occasions she described the pursuit. She also requested fire to respond and stand by when the pursuit terminated. It should be noted that the pursuit portion of this incident was handled as a unit level investigation by Palmdale Station.

Deputy Wheatcroft said the pursuit continued for several more blocks before it ended again in front of [redacted] East Avenue Q-14. Deputy Wheatcroft positioned his vehicle to the rear passenger side of the suspect vehicle. While the suspect was being ordered out of the car, Deputy Wheatcroft saw a male and female exit the home and approach the suspect's car. The suspect began pointing his handgun at the male and female, at his own head and, at times, turning around in the seat and

pointing it at the deputies. The suspect eventually began disregarding the deputies and started yelling at the male and female standing next to his car. He said that although he felt the suspect was going to shoot at the male and female, he could not shoot the suspect because he feared he would strike the male or female. The female then disappeared from his sight, falling below the car. Deputy Wheatcroft could not recall if the suspect was pointing the gun at the female, or his own head, when the female disappeared from view. Deputy Wheatcroft said he and other deputies continually yelled for the male and female to get away from the car. He said he never saw the male enter the car with his upper body.

Deputy Wheatcroft said he saw the suspect look over his right shoulder, directly at him and begin to point his handgun at Deputy Wheatcroft. Fearing for his safety as well as the safety of the male and female, Deputy Wheatcroft fired two rounds from his Beretta 9mm. He heard several other gunshots and noticed the suspect slump to his right, onto the passenger seat. The suspect was not moving, but the suspect's hands were below the seat.

Deputy Wheatcroft said he did not hear any orders or statements from any other deputies or Sergeant Tucker during this incident, other than for the male and female to get away from the car. He said he did not hear anyone saying a stun-bag was about to be deployed.

When the gunshots stopped, Deputy Wheatcroft saw the female on the ground. Deputies approached and assisted her. Paramedics arrived and treated the female. The Paramedics also treated, then pronounced the suspect dead.

Deputy Wheatcroft said the male and female approaching the car created a much more difficult situation. He said the suspect appeared to be desperate and "had nothing to lose."

Deputy [redacted] was interviewed on February 19, 2002, by Homicide Investigators Marsh and Romero. IAB Sergeant Porlier was also present. The interview was tape recorded.

Deputy [redacted] said he and his partner, Deputy Donaldson, had just begun their shift when they heard a radio broadcast from Deputy Wheatcroft that he was following a stolen vehicle. The following turned into a pursuit and Deputies [redacted] and Donaldson joined the pursuit. They were approximately the third or fourth vehicle in the pursuit. The suspect vehicle was followed to [redacted] East Avenue Q-14, Littlerock, where it stopped momentarily before speeding away and was again pursued by the deputies. During this portion of the pursuit, Deputy [redacted] learned from radio traffic, that the suspect was armed with a handgun.

Deputy [redacted] said the suspect sped away and led the deputies on a short pursuit, around the block. At one point, the suspect turned his vehicle around, drove at the deputies and tried to "ram" their vehicles. As the suspect passed, Deputy [redacted] saw the suspect had a gun in his hand. The suspect continued and eventually returned to the same location and stopped.

A male and female ran from the home at [redacted] Avenue Q-14 and approached the suspect's car. The two began yelling at the suspect who was holding a small silver semi-automatic pistol to his head. Deputy [redacted] said he could not hear what the male and female were saying to the suspect because the deputies were also shouting orders to the suspect. At one point, the suspect pointed the pistol at the male and female.

Deputy [redacted] said Sergeant Tucker ordered him to retrieve a stun-bag shotgun. Deputy [redacted] retrieved the stun-bag from his trunk and positioned himself on the passenger side of his car. Sergeant Tucker ordered him to, "Shoot those two (the male and female next to the suspect's car) with the stun-bag." Deputy [redacted] asked her to clarify the order. She again told him to, "shoot those two with the stun-bag." Deputy [redacted] said Sergeant Tucker, "Told some of the people around her that the stun bag was about to be deployed." Deputy [redacted] also told the deputies around him that he was about to deploy the stun-bag by saying, "Stun-bag firing." Deputy [redacted] said that Sergeant Tucker made her advisement in a conversational tone, but believes everyone could have heard her say it. He said that they may not have heard the advisement because of their heightened level of anxiety.

As Deputy [redacted] prepared to fire, he did not see the male, but fired one round at the female who was still standing at the suspect's car. He said he aimed at her torso. He said he could see the female from mid-thigh to the top of his head. The round struck the female in the upper torso and she fell to the ground. Deputy [redacted] said he focused his attention on the male and female and did not see the suspect's actions; but, almost immediately, 2-3 seconds after his shooting he heard additional weapons being fired. He saw blood splatter from the female and believed the suspect had shot her. He then saw the rear window of the suspect's car shatter.

Deputy [redacted] said he saw the male after he shot. The male was lying on the ground, but got up and ran to the radio cars.

Deputy [redacted] said his partner, Deputy Donaldson shouted for the deputies to stop or cease fire. After the shooting stopped, Deputy Donaldson used a ballistic shield and assisted the female into the house. Deputies [redacted] and Feehan used a ballistic shield, approached the car and saw the suspect was not moving. Deputy [redacted] recovered the suspect's weapon and handed it to Deputy Feehan. Paramedics arrived and treated the suspect and the female.

Deputy [redacted] said during the incident, the suspect turned several times and pointed his gun at the deputies several times. He believes the deputies did not fire because the male and female were next to the car.

Deputy [redacted] said he fired no other weapons during the incident.

Deputy [redacted] was interviewed on February 19, 2002, by Homicide Investigators Marsh and Romero. The interview was tape recorded. He was again interviewed by IAB Sergeants Larry

Gregg and Clay Porlier, at Internal Affairs Bureau. Prior to that interview, Deputy [redacted] was provided an opportunity to read and sign the Force/Shootinf Review Admonition. That interview was recorded.

Deputy [redacted] stated substantially the same as Deputy Wheatcroft. He added that he was on [redacted] at the time of the incident. His [redacted] was Deputy Molidor and he [redacted] was the book man.

Deputy [redacted] said he responded to Deputy Wheatcroft after he requested assistance. While en route, radio traffic indicated that Deputy Wheatcroft had begun a pursuit. When Deputy [redacted] joined the pursuit at 47th Street East, he was the second unit and ordered to broadcast the pursuit. The suspect led the deputies to [redacted] East Avenue Q-14 where he held up his hand and Deputy [redacted] saw the suspect was in possession of a handgun. At one point, it appeared the suspect was smoking a cigarette and also appeared to be waiting for someone to exit the home. The suspect did not acknowledge the deputies presence. Deputy [redacted] radio car was positioned directly behind the suspect because Deputy Wheatcroft had pulled to the passenger side of the suspect's vehicle due to the abrupt stop made by the suspect.. He said throughout this portion of the incident, the suspect was given orders to show his hands and exit his car.

During the second pursuit, Deputy [redacted] was again the second unit, radioing the information about the pursuit. Deputy [redacted] said he took quick, evasive actions to avoid his radio car being struck when the suspect turned his car around and drove directly at him and the other deputies pursuing him. Deputy [redacted] described the suspect's actions as "playing a game of chicken." He said he knew the suspect was trying to assault the deputies because he (the suspect) could have continued driving but decided to turn his car around and drive at the deputies. Deputy [redacted] said he was holding the shotgun when the suspect drove at him. He did not shoot because he felt it was not safe as deputies were taking evasive actions to avoid being struck by the suspect.

When the suspect again stopped in front of [redacted] a male and female were standing at the home's wrought iron gate. The male and female ran to the driver's side window of the suspect's vehicle and the three began conversing. Deputy [redacted] could not hear what was being said but the suspect pointed his handgun at his own head during the conversation. The suspect also pointed the handgun at the male and female. The male ran away from the suspect's car and toward a radio car. The female remained next to the car.

Deputy [redacted] said two or three deputies were yelling instructions to the suspect. They were telling him to put the gun down and also yelling for the male and female to get away from the car. Deputy [redacted] heard Sergeant Tucker ordered Deputy [redacted] to retrieve the stun-bag shotgun. The male walked away from the car as deputies continued to order the female to move away from the suspect car. She refused and Sergeant Tucker ordered Deputy [redacted] to strike the female with a stun-bag.

Deputy [redacted] said he knew Deputy [redacted] was about to fire the stun-bag because Deputy [redacted] was directly behind him and advised that he was about to do so. He said he also believes the other

deputies at the scene should have known the stun-bag was being fired based on Sergeant Tucker ordering Deputy [redacted] to fire the stun bag in a loud voice. Deputy [redacted] fired and the female fell to the ground and began crawling away from the car, toward the house.

The suspect was also yelling at the female to get away from the car while placing the gun to his head and turning around in the seat, facing the deputies. The suspect then lowered the gun from his head, and began swinging the gun to the right, over the passenger seat and toward the deputies. Deputy [redacted] fearing for his and his partners safety, as well as recalling a recent shooting (he had been involved in on February 6, 2002, [redacted], fired three rounds from the shotgun he was holding. He heard other shots being fired and watched the suspect slump onto the passenger seat.

Deputy John Donaldson was interviewed on February 19, 2002, by Homicide Investigators Marsh and Romero. The interview was tape recorded.

Deputy Donaldson stated substantially the same as the other deputies interviewed. He stated he and Deputy [redacted] were partners. He and [redacted] arrived when the suspect stopped in front of [redacted] East Avenue Q-14. The deputies ordered the suspect out of the vehicle and to show his hands. The suspect replied, "Fuck no!" or "Fuck that!"

Deputy Donaldson said during the second pursuit, the suspect made a u-turn then reversed his car approximately 50 yards. Deputy Donaldson had stopped his vehicle and was exiting when the suspect accelerated in their direction and past the radio cars. The suspect passed Deputy Donaldson withing 3-5 feet. Deputy Donaldson said he knew the suspect had a gun and feared he might have to shoot him. He said as the suspect neared his position, enough light illuminated the inside of the suspect car so he could see the suspect was not pointing the gun at him.

Deputy Donaldson said that at the end of the second pursuit he was the third radio car following the suspect. A male and female exited the home and approached the suspect. The three began screaming at one another. He could not understand what was being said.

Deputy Donaldson said the male and female were ordered away from the suspect's car. He said it was obvious both the male and female heard the orders because they both looked in the direction of the deputies. At one point, the male motioned for the deputies to approach the car. Deputies Wheatcroft and Del Rio yelled to the man that the suspect had a gun. At that point, Deputy Donaldson had not seen the gun.

Deputy Donaldson noticed the suspect had a gun when the suspect pointed the handgun at his own head. Deputy Donaldson said he feared that the suspect was going to shoot himself or the male and female.

Deputy Donaldson told Sergeant Tucker that the male and female were refusing to follow the deputies orders and should be struck with stun-bag rounds to force them to move away from the

suspect's car. Sergeant Tucker agreed and ordered Deputy [redacted] to deploy the stun bag shotgun.

Deputy Donaldson said Sergeant Tucker yelled to the deputies at the scene that the stun-bag was about to be deployed. He said there was no indication whether or not all Department personnel heard that the stun-bag was about to be deployed.

Deputy Donaldson said that he had stepped out from behind his door while screaming at the female to get away from the car. The suspect turned to his right and pointed his handgun at Deputy Donaldson, out the back window. Deputy Donaldson began to fire his weapon and heard gunshots from other deputies. He said as he began to shoot he noticed the female was on the ground. He believed the suspect had shot the female. He said he had not heard the stun-bag being fired by Deputy [redacted] He said that although Sergeant Tucker had yelled that the stun-bag was being deployed, she did not say anything prior to it being fired.

Deputy Donaldson said he originally believed he had fired five to six rounds but, quickly learned he had fired more when he saw that his gun was empty. He said he fired his weapon until the suspect slumped below the seat. Deputy Donaldson said he believes he fired so many rounds because he had stepped out from his car door as the suspect turned and pointed the gun at him. He believes he was the first person to fire his weapon and would have had the best view of the suspect until he slumped over in the seat; therefore, having the longest continuous view of the suspect he would have fired the most rounds.

IAB NOTE: Deputy Donaldson was involved in a previous shooting at Temple Station. In that case, he was effecting a rescue of a child in a barricaded suspect situation when he was confronted by a knife wielding suspect. In that case he fired five rounds from his Beretta.

Deputy Donaldson said his back drop when he fired was an open field and a house approximately 1/4 mile away.

After the shooting, Deputy Donaldson saw that the female was on the ground, bleeding from the shoulder. He yelled for the other deputies to cease fire. Although he was not sure the suspect was incapacitated, Deputy Donaldson approached the female with the use of a ballistic shield. He assisted the female into the residence.

While in the residence, the female, [redacted] (suspect's [redacted] told him that the suspect told her to get away from the car just before he was shot. The suspect told her that he was going to have the deputies shoot him because he lacked the courage to shoot himself.

Sergeant Marion Tucker was interviewed on February 19, 2002, by Homicide Investigators Marsh and Romero. She was again interviewed by IAB Sergeants Gregg and Porlier. Both interviews were tape recorded.

Sergeant Tucker's statement was substantially the same as other deputies interviewed. She stated she caught up to the pursuit as it headed east through Palmdale and into the Littlerock area. She said five cars were involved in the pursuit. She said five units were involved because one was involved to deploy spike strips. She said the other additional units would be used for containment purposes, due to the remote area where the suspect was driving.

Sergeant Tucker said the first time the suspect stopped, she ordered deputies to illuminate the front of [redacted] East Avenue Q-14 because she heard the suspect yelling for the occupants of the residence to exit and she feared the deputies would be assaulted.

She said when the suspect had driven at the deputies, she drove into the desert to avoid being hit.

Sergeant Tucker said after the second pursuit of the suspect ended a male and female approached the suspect's car from the house's front gate. She did not see the male and female come from the street. The male, female and suspect began yelling at each other. Sergeant Tucker could not hear what was being said but saw the suspect had a handgun pointed to the right side of his head. She and several other deputies ordered the male and female to get away from the car and return to their home. The two refused. She believes she ordered deputies to illuminate the front of the house in case other people decided to insert themselves in the situation. She had also requested the Fire Department to respond and stage near the area.

Sergeant Tucker said she ordered Deputy [redacted] to retrieve the stun bag shotgun. He did and Sergeant Tucker ordered him to fire at the male and female. She said she needed to remove those two from the situation. It was unknown if the male and female were armed, or if their apparent argument with the suspect might aggravate him into violence against them or the deputies. She advised the deputies on the scene that the stun-bag was about to be deployed. Sergeant Tucker said she had no doubt that all personnel heard that the stun-bag was about to be deployed. She said the deputies should have seen Deputy [redacted] retrieve the stun-bag shotgun from the trunk. She also indicated that she has a loud voice that the deputies should have heard because she was standing near Deputy Donaldson's door, in the middle of the deputies cars, when she advised of the stun-bag deployment.

IAB NOTE: A copy of a "Draft" revision to Field Operations Directive 90-9 is contained in **Exhibit C**. This draft contains both current and proposed changes to the policy and an office correspondence from Chief Aranda to Undersheriff Stonich the reasons for the change.

The stun-bag was fired by Deputy [redacted] and struck the female on the right shoulder and she fell to the ground. At the same time, the suspect was turning to his left and he pointed his handgun at the male. The male began running away from the suspect's car. The suspect continued turning toward the male and Sergeant Tucker feared the suspect was about to shoot the male. Sergeant Tucker fired her Beretta. At the same time she heard numerous other rounds being fired. She said there was no doubt in her mind that the deputies fired at the suspect because of the threat he

presented to them and other civilians, and not because of the sound of the stun-bag being fired.

Sergeant Tucker said the male ran to a radio car, was placed inside and detained until the conclusion of the incident..

IAB NOTE: Sergeant Tucker is the only person who states the suspect turned to his left. All other involved employees stated that the suspect had turned to his right, extending his arm and pointing the gun between the bucket seats, at the deputies. Some of the other involved employees indicated that the suspect, prior to pointing the gun between the seats, had extended his arm to the left at the male and female.

When the shooting stopped, Sergeant Tucker saw the female laying on the ground. Sergeant Tucker did not know if the female had been shot or struck with a stun bag round. She broadcast the shooting via Sheriff's radio and requested paramedics who she knew had been standing by. Deputy Donaldson, using a ballistic shield, removed the female from the scene and assisted inside her home. Again, with the use of the ballistic shield the suspect was contacted and found slumped onto the passenger seat. The suspect's weapon was removed from the car and paramedics were allowed to check the suspect. The paramedics pronounced the suspect dead.

Sergeant Tucker said she had not thought about contacting SEB or the Crises Negotiating Team because the situation was not stable. She was also aware that both SEB and CNT had 3-4 hour response times. She said there had not been enough time to designate shooters prior to the suspect's actions that precipitated the shooting. She said they had not been at the location for more than one or two minutes when the shooting occurred and she was not sure if the suspect was going to drive away from the scene again.

Sergeant Tucker said between the time the suspect stopped the second time and the shooting she had begun to think about ordering an Aero Unit and sending a deputy with spike strips around the block to set up in case the suspect tried to drive away again. She said she did not have time to do either before the shooting occurred.

IAB NOTE: For a detailed account of Sergeant Marion Tucker's interview a transcript is contained in this case file.

<u>WITNESS STATEMENTS</u>

<u>SWORN:</u>

Deputy Brad Feehan was interviewed by Homicide investigators Romero and Marsh on February 19, 2002, at Palmdale Sheriff's Station. Internal Affairs Sergeant Clay Porlier was also present. The interview was tape recorded.

Deputy Feehan said he heard, via Sheriff's radio, Deputy Wheatcroft request back-up for a possible stolen vehicle. Deputy Feehan began responding but, prior to arriving, Deputy Wheatcroft dispatched that he was now in pursuit of the vehicle.

Deputy Feehan said he drove and caught up to the pursuit. He said he remained a distance behind Deputy Wheatcroft's and the suspect's vehicle until the suspect stopped in front of [redacted] Q-14, Litttlerock, approximately 15 minutes after the initiation of the pursuit.

Deputy Feehan said approximately five radio cars and Sergeant Tucker stopped behind the suspect vehicle. Deputy Feehan said Wheatcroft began conducting a felony traffic stop, attempting to order the suspect from his car. The suspect was yelling at Deputy Wheatcroft but Deputy Feehan could not hear what he was saying. After being stopped for approximately two minutes, the suspect sped away from the location.

Deputy Feehan was the fifth unit in this portion of the pursuit. He heard Sergeant Turcker advise the other units that the suspect had turned his car around and was now driving toward the pursuing Sheriff's units. Deputy Feehan said the suspect drove toward the deputy's car as if to "ram" them, passing within a few feet of Deputy Feehan. Deputy Feehan said the suspect had a "death grip" on the steering wheel and it did not seem to Deputy Feehan that the suspect intended to stop but the suspect did again stop in front of [redacted] East Avenue Q-14, the location he had initially stopped at.

Deputy Feehan stopped his radio car behind another unit. As he exited, he heard Deputies yelling orders at the suspect to place his hands where they could see them. The suspect did not comply.

Deputy Feehan said a male and female [redacted] and [redacted] exited the location the suspect had stopped in front of and approached the driver's side window of the suspect's vehicle. A small boy also exited the front of the home but complied when ordered back into the house.

Deputy Feehan said the male and female began yelling at the suspect. The suspect was holding a gun to his head and yelling back at the male and female, he could not hear what any of the parties were yelling. At one point, the male reached into the car and, it appeared, tried to take the gun from the suspect. The suspect refused to give up the gun and reclined in the driver's side seat. The suspect and the male continued to argue. Deputy Feehan and other deputies continually yelled for the male and female to get away from the car. The male was gesturing at the deputies to approach the car. The male and female stepped away from vehicle on several occasions but, would then again approach the car. The suspect lowered the gun at times and pointed it at the male and female, while looking back at the deputies.

Deputy Feehan said he suddenly heard gunshots from the deputies and the rear window of the suspect's vehicle shatter. Deputy Feehan did not fire because he felt other deputies had a better vantage point for shooting. Deputy Feehan said he did not feel immediately threatened by the suspects actions and did not fire his weapon; however, he did have his gun drawn throughout the incident. He believes four deputies fired their weapons.

When the shooting began, Deputy Feehan said he saw the male, who had been standing at the driver's window, run toward the deputies and the female fall to the ground. When the shooting stopped, he saw a deputy approach the female while holding a safety shield. The deputy removed the female from the "kill zone" by taking her inside the residence.

Immediately following the shooting, rescue responded to the location. Rescue units had been called during the standoff and were staged in the area prior to the shooting. Deputies approached the vehicle, using a ballistic shield. They found the suspect slumped over onto the passenger seat. Paramedics were allowed to approach and treat the suspect. Paramedics also treated the injured female.

Deputy Daniel Del Rio was interviewed on February 19, 2002, by Homicide Investigators Marsh and Romero. IAB Sergeant Porlier was also present. The interview was tape recorded.

Deputy Del Rio stated substantially the same as Deputy Feehan. He said he was one of the last two vehicles to join the pursuit.

Deputy Del Rio said that when the suspect turned his vehicle around and drove toward the radio cars, he (the suspect) appeared to be trying to "ram" the radio cars. The suspect also drove onto the shoulder of the road several times and once through the desert.

Deputy Del Rio said that after the termination of the pursuit, he saw the suspect point a gun at the male and female and then point the gun at himself. Deputy Del Rio said he believed the suspect was going to shoot the male and female, or himself. At one point, the male reached into the car and tried to take the gun from the suspect. Deputy Del Rio surmised that the male and female were [redacted] to the suspect.

While broadcasting his observations he heard several gunshots. He saw that the deputy to his right (Wheatcroft) fired two rounds from his weapon. Deputy Del Rio said he did not fire his weapon because he was communicating his observations and the male and female, who had approached the car, were in his direct line of fire.

Deputy Del Rio did not see the suspect point his weapon at other deputies, but said he feared for the safety of the other deputies as well as for the male and female.

Deputy [redacted] was interviewed on February 19, 2002, by Homicide Investigators Marsh and Romero. IAB Sergeant Porlier was also present. The interview was tape recorded.

Deputy [redacted] statement was substantially the same as other deputy witnesses. He said he was the third or fourth vehicle behind the suspect when he joined the pursuit. He described the suspect as

being "real busy" inside his vehicle when the pursuit initially stopped in front of [redacted] Avenue Q-14. Deputy [redacted] said it appeared the suspect was trying to gain the attention of someone inside the residence. Deputy [redacted] positioned a spotlight on the front of the house to ensure no one exited the home unseen.

Deputy [redacted] said when the suspect drove away he appeared to drive in circles around [redacted] Q-14. When the suspect turned his vehicle and began driving at the radio cars, Deputy [redacted] had to take immediate evasive action to avoid being hit by the suspect. During this portion of the pursuit, Deputy [redacted] learned over Sheriff's radio, that the suspect was armed with a handgun.

Deputy [redacted] said he believed the suspect was pointing his gun at deputies during the second standoff. Deputy [redacted] was ordered to retrieve a stun-bag shotgun. Deputy [redacted] retrieved the weapon from Deputy [redacted] vehicle and loaded it. While positioning himself with the weapon, he heard several gunshots. He immediately took cover because he did not know who was shooting. Deputy [redacted] did not know how many rounds were fired but remembered someone yelling "cease fire."

Deputy [redacted] said Deputy Donaldson was the deputy who assisted the female into the home. Deputy [redacted] approached the suspect's vehicle and he retrieved and secured the suspect's weapon in Sergeant Tucker's radio car.

Deputy James Molidor was interviewed on February 19, 2002, by Homicide Investigators Marsh and Romero. IAB Sergeant Porlier was also present. The interview was tape recorded.

Deputy Molidor said he was working with Deputy [redacted] in Unit [redacted] He said February 18, 2002, was his first day assigned to Palmdale Station and he was unfamiliar with the area. Prior to that day he [redacted]

Deputy Molidor said he heard a pursuit occurring and joined the pursuit. The pursuit eventually terminated in front of a house in the Littlerock area. Deputy Molidor said his radio car was stopped directly behind the suspect. He and his partner, Deputy [redacted] gave the suspect orders to show his hands. The suspect refused, and made "furtive movements" inside the car. Deputy Molidor could see that the suspect had a blank stare when he turned from side to side. Deputy Molidor was concerned because the suspect appeared to be yelling at someone inside the home. Deputy Molidor said he could not see a gun.

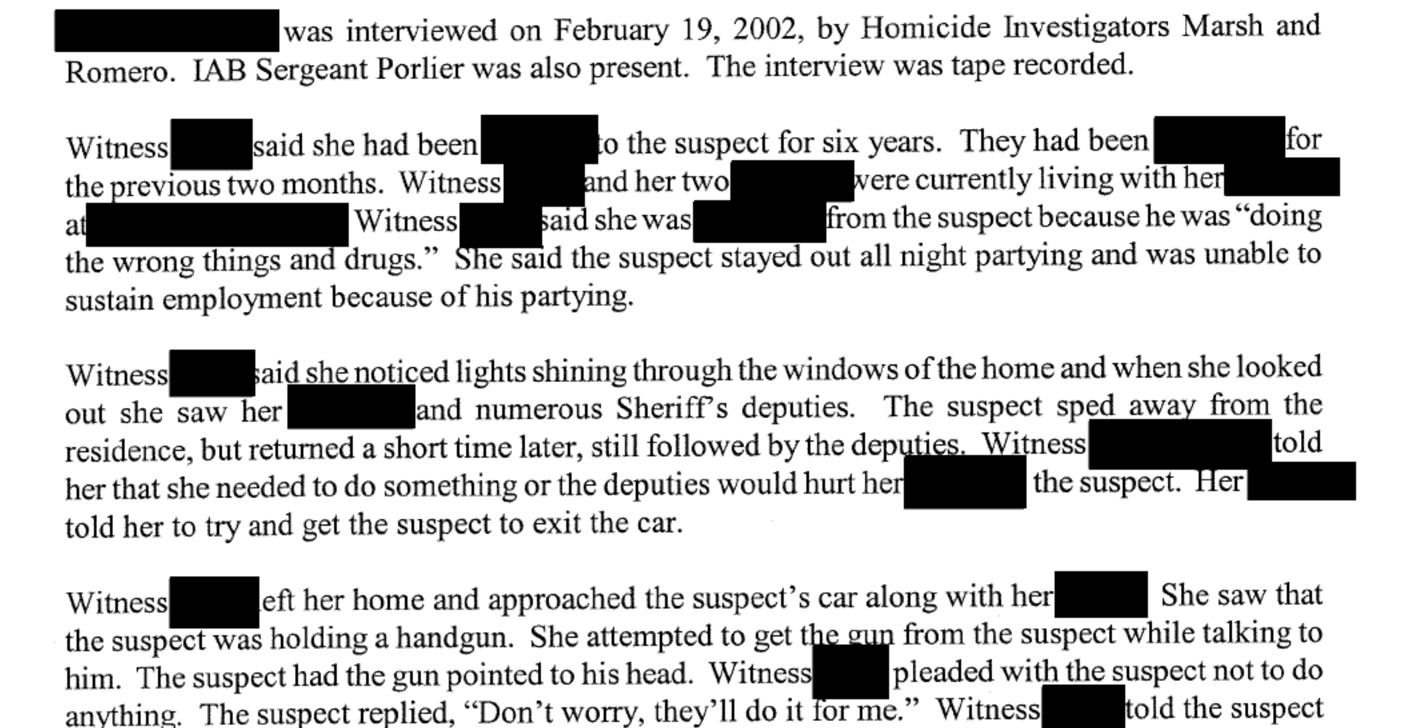
Deputy Molidor said it appeared the suspect was driving in circles when the suspect sped away. The suspect drove at the deputies after he lost control of his car and the car spun toward the deputies. The suspect again stopped his car in front of [redacted] Avenue Q-14, where deputies again ordered the suspect to show his hands. The suspect again refused.

Deputy Molidor noticed a male, a female and a child exit the home and approach the driver's side of the suspect's vehicle while the deputies yelled for them not to approach. At the same time he saw

the suspect was armed with a handgun. The suspect pointed the handgun at the male who approached the car. The male and female began to yell at the suspect to exit the car; at the same time, they struggled to take the handgun away from the suspect. The deputies continued to yell at the male and female to get away from the car. The male complied and walked back, toward the radio cars. The male was searched and placed in the backseat of Deputy Molidor's vehicle. Deputy Molidor yelled at the female to move away from the car. She did not respond to his commands. Deputy Molidor heard what sounded like three shotgun rounds being fired. Deputy Molidor said the rear window of the suspect's vehicle shattered. Deputy Molidor did not fire his weapon because he could no longer see the suspect inside the car and he did not want to send stray rounds into and around the suspect's vehicle. He did not recall hearing any gunshots, only shots from a shotgun.

When the shooting stopped, Deputy Molidor saw the female laying on the ground near the suspect's vehicle. He felt that she was in grave danger of being shot if she remained. He saw Deputy Donaldson, using a ballistic shield, protect the female and drag her inside the house.

CIVILIAN:



[redacted] was interviewed on February 19, 2002, by Homicide Investigators Marsh and Romero. IAB Sergeant Porlier was also present. The interview was tape recorded.

Witness [redacted] said she had been [redacted] to the suspect for six years. They had been [redacted] for the previous two months. Witness [redacted] and her two [redacted] were currently living with her [redacted] at [redacted] Witness [redacted] said she was [redacted] from the suspect because he was "doing the wrong things and drugs." She said the suspect stayed out all night partying and was unable to sustain employment because of his partying.

Witness [redacted] said she noticed lights shining through the windows of the home and when she looked out she saw her [redacted] and numerous Sheriff's deputies. The suspect sped away from the residence, but returned a short time later, still followed by the deputies. Witness [redacted] told her that she needed to do something or the deputies would hurt her [redacted] the suspect. Her [redacted] told her to try and get the suspect to exit the car.

Witness [redacted] left her home and approached the suspect's car along with her [redacted] She saw that the suspect was holding a handgun. She attempted to get the gun from the suspect while talking to him. The suspect had the gun pointed to his head. Witness [redacted] pleaded with the suspect not to do anything. The suspect replied, "Don't worry, they'll do it for me." Witness [redacted] told the suspect she would go back to him if he put the gun down. The suspect told her it was too late for that. Witness [redacted] said she believed this statement meant that the deputies were going to shoot the suspect. She described the suspect as someone who was too cowardly to take his own life.

Witness [redacted] said she never felt threatened by the suspect when he was holding the gun. She said

he was waving the gun around in all directions and pointing it at his head. She and her [redacted] repeatedly tried to get the gun from the suspect but he would not give it up. She said he also pointed the gun at the backseat of the car in the direction of the deputies. She said at one point she thought the suspect was going to hand her the gun. She described him holding the gun toward her not by the "butt," but by the "front of the gun, the barrel."

Witness [redacted] said she is unsure why her [redacted] approached the car. She said he never appeared to like the suspect.

The deputies ordered her to step away from the suspect's vehicle. She did so and was standing next to her home's fence, along with her [redacted] Suddenly, her [redacted] was moving toward the radio cars and she felt an impact on her body and fell to the ground. Almost immediately gunshots erupted and she saw the suspect's vehicle being struck by bullets. A deputy approached her, as she laid on the ground and assisted her to the house. Paramedics arrived and Witness [redacted] was airlifted to Holy Cross Hospital due to the stun-bag projectile penetrating her shoulder.

Witness [redacted] said the suspect came to her home on February 15, 2002, and tried to take their [redacted] Witness [redacted] refused to let her [redacted] go because the suspect was driving a car she believed was stolen (same car as during the shooting). The suspect hesitated in returning the [redacted] but eventually did so. Witness [redacted] said she also saw the suspect on February 17, 2002, when the suspect attempted to give her a watch, which she refused. He showed her the same gun he was in possession of when he was shot.

[redacted] was interviewed on February 19, 2002, by Homicide Investigators Marsh and Romero. IAB Sergeant Porlier was also present. The interview was tape recorded.

Witness [redacted] statement was substantially the same as other witnesses and deputies. Witness [redacted] said he is a [redacted] for [redacted] He is commonly referred to as a [redacted] a person who films noteworthy incidents then sells the footage to news channels.

Witness [redacted] said he monitored the pursuit over his police scanner. He immediately left his home and reached the pursuit just as it ended on East Avenue Q-14. He immediately began filming but caught very little of the incident because the suspect sped away from the deputies. He said he heard the deputies advising over Sheriff's radio that the suspect was being uncooperative.

Witness [redacted] followed the pursuit and attempted to film at the same time. When the suspect turned his car around and drove at the deputies he dropped his camera to be able to better drive. Witness [redacted] said he believed the suspect was going to "ram" his van. During this portion of the pursuit, he heard deputies communicating, via Sheriff's radio, that the suspect had a gun.

When the suspect stopped again on Q-14, Witness [redacted] stopped a distance behind the deputies and filmed. He heard deputies yelling at the suspect to "put the gun down." He also heard the

deputies yelling, "Get away from the car, go back in the house, go back in the house." He saw two deputies go to the trunk of a radio car and retrieve shotguns, while other deputies were yelling at a female to get away from the suspect's car

Witness [redacted] said he heard a loud "boom," followed by other "booms" and then multiple gunshots. He crouched down behind his van when the gunfire began. When the gunfire ended, he moved closer while still filming. He said he could here deputies yelling that the female was hit. He filmed while the deputies approached the car and removed a gun from it. He said he did not hear the suspect screaming but, could hear the female yelling something that he could not understand.

[redacted] was interviewed on February 19, 2002, by Homicide Investigators Taylor and Dingillo. IAB Sergeant Gregg and District Attorney Wright were also present. The interview was tape recorded.

Witness [redacted] said his [redacted] is [redacted] and [redacted] to the suspect. Approximately three months prior to the shooting, [redacted] and the suspect [redacted] [redacted] and their two [redacted] and [redacted] moved to Witness [redacted] home. Witness [redacted] said that several years ago the suspect also lived at his home while [redacted] to [redacted] Witness [redacted] said he asked the suspect to leave when the suspect was unable to keep a job. He said he also believes the suspect ingested drugs and drank alcohol excessively. Witness [redacted] was unaware if the suspect and [redacted] were having any current problems. He said his [redacted] kept those problems from him because he was in ill health.

Witness [redacted] said that on the night of the shooting he was awakened by his [redacted] [redacted] His [redacted] told him that the suspect and the police were outside. Witness [redacted] looked out the living room window and saw a small brown car being chased by radio cars. The driver of the car yelled something then drove away but, returned several minutes later, still being pursued by the deputies. The driver of the brown car yelled at the house again: This time Witness [redacted] recognized the driver as his [redacted] the suspect. After the suspect drove away, Witness [redacted] dressed, then awoke his [redacted] and told her that the suspect was outside.

Witness [redacted] said he and his [redacted] exited their home and their property, standing at the north property line as the suspect drove past. Witness [redacted] yelled for the suspect to stop. The suspect replied, "No," but then stopped in front of Witness [redacted] home.

IAB NOTE: From Witness [redacted] description, he and [redacted] would have been on a dirt access road that runs along the west side yard of the home. This dirt access road is where the suspect drove his vehicle just prior to making an eastbound turn onto Avenue Q-14 and stopping in front of Witness [redacted] home.

The deputies stopped their radio cars behind the suspect as Witness [redacted] and [redacted] ran past their radio cars, approaching the driver's side window of the suspect's vehicle. When they arrived,

Witness [redacted] was standing at the window, [redacted] was standing to his left and the suspect was holding a handgun to his right temple. Witness [redacted] told the suspect, "Give me the fucking gun." The suspect responded, "Either I get [redacted] back or I will do whatever it takes." Witness [redacted] reached into the car and tried to take the weapon from the suspect. The suspect moved the barrel of the gun away from his temple and pointed it toward the roof of the car. Witness [redacted] said the suspect never pointed the gun toward him, his [redacted] or the police. He was asked to show investigators how the suspect moved the gun. While doing so, he moved his hand in a direction that would have positioned the gun's barrel at the rear window and toward the deputies.

Witness [redacted] said his attention was on the suspect and he did not hear the deputies yelling at him or the suspect. He said at one point he did motion to the deputies to wait while he attempted to reason with the suspect to give him the gun and exit the car.

Witness [redacted] said a few seconds after the suspect pointed the gun toward the roof, he heard 15 to 16 simultaneous gunshots. He saw the bullets entering the car through the rear window. He immediately dropped to the ground and crawled to the radio cars. While being placed inside a radio car he saw [redacted] laying on the ground, saying she had been shot. He said prior to crawling to the radio cars, he saw the suspect had been shot 3-4 times in the head. He did not see or hear the suspect fire his gun and said the suspect did not deserve to be shot because he was only threatening himself.

Witness [redacted] said the deputies made him feel like a criminal when they placed him the backseat of a radio car. He said he asked the deputies to call paramedics for his [redacted] and was told not to worry about it.

Witness [redacted] said approximately ten minutes after being placed in the radio car, and after the initial shooting, he heard the suspect yelling from his vehicle, "Come on, [redacted]" He then saw deputies approach the suspect's vehicle with their guns drawn. He then heard one gunshot. Witness [redacted] said he pleaded with the deputies not to shoot the suspect again and to call paramedics. Paramedics arrived a short time later, looked inside the suspect's car then walked away. Witness [redacted] said the paramedics did not render proper medical attention to the suspect and allowed him to die as if he were an animal.

Witness [redacted] later recanted the his statement regarding a gunshot when the deputies approached the suspect's car. He said he was not sure that what he heard was a gunshot.

Witness [redacted] said his [redacted] was shot by the deputies until she was assisted inside her home by her [redacted]

IAB NOTE: During her interview, [redacted] stated she was assisted into her home by a deputy which is consistent with statements from the deputies.

[redacted] was interviewed on February 19, 2002, by Homicide Investigators Taylor and

Dingillo. IAB Sergeant Gregg and District Attorney Wright were also present. The interview was tape recorded.

Witness [redacted] statement regarding the [redacted] between the suspect and his [redacted] was similar that of her [redacted] Witness [redacted] She added that two days prior to the shooting, the suspect pointed a handgun at [redacted] and threatened to kill her.

Witness [redacted] said on 02-28-2002 she was awoken by flashing red lights out side her home. She went to her [redacted] room and was told that the deputies had stopped the suspect outside their home.

Witness [redacted] said she told her [redacted] and [redacted] not to go outside but, they ignored her and exited the home. She said her [redacted] and her watched the incident from their open front door and when the shooting began, from their front porch, due [redacted] from where the suspect had finally stopped.

Witness [redacted] statement regarding the shooting incident is similar to that of Witness [redacted] She stated she could hear deputies yelling verbal commands to her [redacted] and [redacted] to stay away from the suspect's car. She also told them to get away from the car. She saw her [redacted] reach into the suspect's car, saying, "Come on [redacted] come on." She did not see the suspect in possession of the gun but said her [redacted] told her the suspect had a gun. As the deputies continued to yell she heard several gunshots. She said the gunshots occurred approximately one to two minutes after the suspect stopped.

Witness [redacted] said after the shooting she saw her [redacted] laying on the ground, bleeding from the right shoulder. Witness [redacted] quickly responded to assist her as did a deputy. The two assisted in moving [redacted] inside Witness [redacted] home. The deputy told the two to stay inside the house and Witness [redacted] did not see anything else.

[redacted] was interviewed on February 19, 2002, by Homicide Investigators Taylor and Dingillo. IAB Sergeant Gregg and District Attorney Wright were also present. The interview was tape recorded.

Witness [redacted] was not present for the shooting but did provide some background into the suspect's actions leading up to the shooting.

Witness [redacted] said she had seen the suspect with a gun several hours prior the shooting. The suspect had removed the gun from his pants pocket. Witness [redacted] told the suspect to be careful. The suspect replied, "I know what I am doing."

Witness [redacted] said the suspect had been living a transient lifestyle since the break-up with his [redacted] The suspect was despondent over the break-up, telling Witness [redacted] that if he

could not have [redacted] he wanted to die. He told Witness [redacted] "I am not going to shoot myself, I am going to have the cops shoot me. It's easier." This statement was made on February 6, 2002. He also told her that he intended to be shot in front of [redacted] so she would know how much he really loved her. Witness [redacted] said she advised [redacted] of the suspect's statements.

[redacted] was interviewed on February 19, 2002, by Homicide Investigators Taylor and Dingillo. IAB Sergeant Gregg and District Attorney Wright were also present. The interview was tape recorded.

Witness [redacted] statement was substantially the same as other witnesses. He added that when his [redacted] reached into the suspect's car, he actually grabbed the gun by the barrel and pointed it toward the roof of the car. The suspect pulled the gun away from [redacted] and pointed it toward his (the suspect's) head.

Witness [redacted] said he did not believe [redacted] or his [redacted] heard the deputies, who were yelling for the two to move away from the car, because the suspect and [redacted] were yelling at each other.

Witness [redacted] said the suspect was looking through the front windshield when the shooting began. He said after the shooting, [redacted] fell to the ground and was assisted inside the house by himself, his [redacted] and a deputy.

Witness [redacted] described the shooting as being simultaneous, with no pauses, and lasting approximately five seconds.

The remaining witnesses related similar stories with variations on whether the gunshots were simultaneous or one to several, a pause, and then several more.

MISCELLANEOUS

At least two law suits have been filed by family members regarding the death of Suspect Isayo; one by [redacted] and one by Suspect Isayo's [redacted] on behalf of the estate. It is unclear whether [redacted] suit is in regards to the force used against her or the death of Suspect Isayo. [redacted] apparently is seeking partial custody of [redacted] based on her belief that [redacted] is mentally incapable of caring for the [redacted] needs.